

REMARKS

Claims 8 to 14 are pending.

Applicants thank the Examiner for acknowledging the claim for foreign priority and indicating that all certified copies of the priority documents have been received.

Reconsideration is respectfully requested based on the following.

It is noted that essentially corresponding claims have been allowed in the corresponding European applications.

Claims 8 to 14 were rejected under 35 U.S.C. § 102(b) as anticipated by International Publication No. WO 01/26337 to “Gelvin et al.”

As regards the anticipation rejections, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics *necessarily* flows from the teachings of the applied art.” (*See* M.P.E.P. § 2112; emphasis in original; and *see Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the rejections may not be agreed with, to facilitate matters, claim 8, as presented, provides for “a gateway unit configured to connect at least two subsystems, wherein the gateway unit is made of at least one modular software gateway, which routes messages between *only two subnets*.” While the “Gelvin” reference refers to an IP Router 502 that can route messages between an IDB-C bus 504, 100 Base TX Ethernet 506, and an IEEE 1394 bus 508, the IP Router 502 routes messages between *three* networks. Therefore, the features of claim 8 are not identically disclosed (nor suggested) by the “Gelvin”

reference. Because the modular software gateway only route information between only two subnets, three software gateway modules are necessary to combine three networks. The "Gelvin" reference does not refer to three software gateways.

Claims 9 to 13 depend from claim 8, and are therefore allowable for at least the same reasons as claim 8.

Claim 14, as presented, provides for "a gateway unit configured to connect at least two subsystems, the gateway unit being integrated in a control unit having an application system and being provided in one layer of a communication system of the vehicle, the gateway unit including at least *one modular logical gateway, the logical gateway connecting only two subsystems.*" The Office Action cites IP Router 502 as "at least one modular logical gateway", but cites Figure 3 as "the logical gateway connecting exactly two subsystems." However, nothing in the "Gelvin" reference discloses that the IP Router 502 is equivalent to the Gateway 302. Therefore, the features of claim 14 are not identically disclosed (nor suggested) by the "Gelvin" reference.

In summary, all pending claims are allowable.

CONCLUSION

In view of the foregoing, all pending claims are allowable. It is therefore respectfully requested that the and rejections (and any objections) be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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